

REMARKS

Reconsideration and allowance of the claims pending in the application is requested, based on the Remarks, as follows:

I. Status of Claims:

Claims 1-11, 13-22, 24-30, 32-34, 36-38, 40-41 and 45-51 are pending in the application. Claims 45-51 have been amended. Claims 1, 12, 23, 31, 35, 39 and 42 have been canceled.

II. Interview Summary:

Applicant's attorney thanks Examiner Huy C. Ho for the courtesy of a personal interview conducted October 8, 2008. At the interview, claim 45 was discussed. Applicants' attorney agreed to amend claim 45 to include bit codes in an inquiry response of a nearby device and alter the bit codes as an indication of a middleware layer in the nearby device. The Examiner agreed that such an amendment of claim 45 would overcome the rejection of claim 45 under 35 USC 103 (a) based on Nidd (US2002/0120750) in view of Beck (6,604,140). Applicants have amended claim 45 in accordance with the Interview.

Claims 46-51 correspond to claim 45 and have been amended in like manner to conform to claim 45. Claims 46-51 overcome Nidd and Beck on the same basis as claim 45.

The Examiner noted that the cross-reference serial numbers for related applications were missing from the specification. Applicants' attorney agreed to supply the missing serial numbers for the related applications.

The Examiner provided an Interview Summary of the Interview.

III. Amendments to the Specification:

Applicants have amended the specification (e.g., paragraph 0001) in order provide cross-reference serial numbers for the related applications. An amended Paragraph 0001 of the application has been included in the Amendment.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. No new matter has been included in the amended independent claims 45-51.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4148.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 4208-4148.

Respectfully submitted,
MORGAN & FINNEGAN, O.K.

Joseph C. Redmond, Jr.

Joseph C. Redmond, Jr.

Registration No. 18,753

(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101